

# **Schedule #27**

## **ATTORNEY GENERAL**

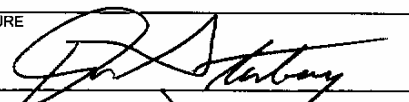
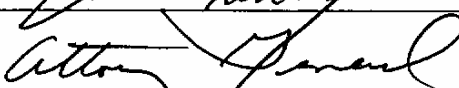
Nebraska Records Management Division  
440 South 8<sup>th</sup> Street, Suite 210  
Lincoln, NE 68508  
(402) 471-2559

**REQUEST FOR APPROVAL OF RECORDS  
RETENTION AND DISPOSITION SCHEDULE**

<b>TO: STATE RECORDS ADMINISTRATOR STATE OF NEBRASKA</b>	SCHEDULE NUMBER <b>27</b>
	AGENCY, BOARD OR COMMISSION <b>Attorney General</b>
	DIVISION, BUREAU OR OTHER UNIT <b>Supersedes Edition of February 22, 1996</b>

**PART I – AGENCY STATEMENT**

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE *	
	
TITLE  <b>Attorney General</b>	DATE <b>12/30/02</b>

**PART II – ARCHIVAL APPROVAL**

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE *	
	
STATE ARCHIVIST	DATE <b>Jan - 16, 2003</b>

**PART III – APPROVAL BY STATE RECORDS ADMINISTRATOR**

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE *	
	
ADMINISTRATOR	DATE <b>1/21/03</b>

## INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, regardless of the media on which they reside. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. Complete a **Records Disposition Report** for the records you dispose. The Records Disposition Report form (RMA 036006D) is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

**Please remember to retain the blank form for future use.**

### NON-SCHEDULED RECORDS

Contact a Records Management Consultant in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Consultant in Records Management can assist you with the schedule update, which involves adding new records and making revisions to existing items. Keeping your schedule current will ensure that you have the ongoing authority to discard records when their useful life has ended.

### QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Consultant in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or State Archives, microfilming records, scanning records, etc.

Records Management Division  
440 South 8th Street, Suite 210  
Lincoln, NE 68508-2294  
402-471-2559

# ***INDEX***

## **Records of the Attorney General's Office**

	<b>Item</b>	<b>Page</b>
<b><u>APPELLATE SECTION</u></b> .....	<b>27-1</b>	<b>6</b>
APPEALS TO THE EIGHTH CIRCUIT OF APPEALS.....	27-1-1	6
DEATH PENALTY CASES.....	27-1-2	6
NEBRASKA SUPREME COURT/COURT OF APPEALS CASE FILES.....	27-1-3	6
U.S. DISTRICT COURT FEDERAL HABEAS CORPUS APPEALS.....	27-1-4	6
U.S. SUPREME COURT APPEALS.....	27-1-5	6
<b><u>CIVIL ENFORCEMENT SECTION</u></b> .....	<b>27-2</b>	<b>6</b>
AGRICULTURE.....	27-2-1	6
CHARITABLE TRUST.....	27-2-2	6
CONSUMER PROTECTION CASE FILES.....	27-2-3	7
DEPARTMENT OF MOTOR VEHICLES CASE FILES.....	27-2-4	7
INITIATIVE 300.....	27-2-5	7
LIQUOR CONTROL COMMISSION CASE FILES.....	27-2-6	7
TOBACCO CASES.....	27-2-7	7
<b><u>CIVIL RIGHTS SECTION</u></b> .....	<b>27-3</b>	<b>7</b>
EQUAL OPPORTUNITY COMMISSION CASE FILES.....	27-3-1	7
STATE DISTRICT COURT ACTIONS CASE FILES.....	27-3-2	7
U.S. DISTRICT COURT CIVIL RIGHTS CASE FILES.....	27-3-3	8
WATER RESOURCES/BOUNDARY COMMISSION/NATURAL RESOURCES COMMISSION CASE FILES.....	27-3-4	8
<b><u>CRIMINAL PROSECUTION SECTION</u></b> .....	<b>27-4</b>	<b>8</b>
CHILD PROTECTION DIVISION FILES.....	27-4-1	8
DRUG AND VIOLENT CRIME UNIT.....	27-4-2	8
<b><u>GENERAL CRIMINAL ENFORCEMENT</u></b> .....	<b>27-5</b>	<b>8</b>
ENVIRONMENTAL PROTECTION FILES.....	27-5-1	8
HEALTH AND HUMAN SERVICES SYSTEMS.....	27-5-2	8
MISCELLANEOUS CASE FILES.....	27-5-3	9
STATE PATROL INVESTIGATION FILES.....	27-5-4	9

<b><u>GENERAL OFFICE RECORDS</u></b> .....	<b>27-6</b>	<b>9</b>
CHARITABLE FOUNDATION REPORTS .....	27-6-1	9
FAX REPORTS.....	27-6-2	9
FORMAL OPINIONS .....	27-6-3	9
INFORMAL OPINIONS .....	27-6-4	9
 <b><u>LEGAL SERVICES DIVISION</u></b> .....	 <b>27-7</b>	 <b>9</b>
LITIGATION FILES .....	27-7-1	9
PROJECT FILES .....	27-7-2	10
 <b><u>LITIGATION SECTION</u></b> .....	 <b>27-8</b>	 <b>10</b>
HEALTH AND HUMAN SERVICES SYSTEMS .....	27-8-1	10
NEBRASKA JUDGES AND COURTS CASE FILES.....	27-8-2	10
STATE PERSONNEL CASE FILES .....	27-8-3	10
TORT CLAIMS .....	27-8-4	10
WORKERS' COMPENSATION CASE FILES.....	27-8-5	10
 RECORDS DISPOSITION REPORT (BLANK FORM).....		 11

## **SCHEDULE 27 – ATTORNEY GENERAL**

### **27-1      APPELLATE SECTION**

#### **27-1-1      APPEALS TO THE EIGHTH CIRCUIT COURT OF APPEALS**

Appeals to the 8th Circuit. May include pleadings, briefs, correspondence, opinions, etc.

**Dispose of 13 years after appeal is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

#### **27-1-2      DEATH PENALTY CASES**

These files include pleadings, briefs, correspondence, etc., in all courts throughout the process of appeals once an individual is sentenced to death.

**Dispose of 13 years after case is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

#### **27-1-3      NEBRASKA SUPREME COURT/COURT OF APPEALS CASE FILES**

Appeals to the Court of Appeals/Supreme Court of Nebraska with copies of pleadings, correspondence, briefs, opinions, etc.

**Dispose of 13 years after case is closed or last action, whichever is sooner subject to review by the State Archivist for possible accession.**

#### **27-1-4      U.S. DISTRICT COURT FEDERAL HABEAS CORPUS APPEALS**

Appeals to the U.S. District Court involving habeas corpus actions. May include briefs, correspondence, pleadings, etc.

**Dispose of 8 years after appeal is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

#### **27-1-5      U.S. SUPREME COURT APPEALS**

Appeals to the U.S. Supreme Court. May include briefs, correspondence, pleadings, opinions, etc.

**Dispose of 13 years after appeal is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

### **27-2      CIVIL ENFORCEMENT SECTION**

#### **27-2-1      AGRICULTURE**

Case files which may include correspondence, discovery documents, pleadings, etc., relating to agricultural departments, boards and commissions.

**Dispose of 8 years after case is closed or last action, whichever is sooner.**

#### **27-2-2      CHARITABLE TRUST**

Case files which may include correspondence, discovery documents, pleadings, etc., relating to protection of public interest in charitable trusts.

**Dispose of 20 years after case is closed or last action, whichever is sooner, subject to review by Attorney General counsel before disposal.**

**27-2-3 CONSUMER PROTECTION CASE FILES**

Case files including briefs, correspondence, pleadings, etc., involving consumer protection litigation.

**Dispose of 10 years after case is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

**27-2-4 DEPARTMENT OF MOTOR VEHICLES CASE FILES**

Case files including pleadings, correspondence, briefs, etc., involving the Department of Motor Vehicles.

**Dispose of 9 years after case is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

**27-2-5 INITIATIVE 300**

Case files which may include correspondence, discovery documents, pleadings, etc., relating to enforcement of Initiative 300 (Neb. Const. Art XII, 8).

**Dispose of 12 years after case is closed or last action, whichever is sooner, subject to review by Attorney General counsel before disposal.**

**27-2-6 LIQUOR CONTROL COMMISSION CASE FILES**

Case files which may include pleadings, briefs, correspondence, etc., dealing with liquor cases.

**Dispose of 5 years after case is closed or last action, whichever is sooner.**

**27-2-7 TOBACCO CASES**

Case files which may include correspondence, discovery documents, pleadings, etc., relating to enforcement of the Master Settlement Agreement and related legislation regulating non-participating tobacco manufacturers.

**Dispose of 12 years after case is closed or last action, whichever is sooner, subject to review by Attorney General counsel before disposal.**

**27-3 CIVIL RIGHTS SECTION**

**27-3-1 EQUAL OPPORTUNITY COMMISSION CASE FILES**

Case files which may include correspondence, pleadings, briefs, etc., which are often referred to the Attorney General from NEOC.

**Dispose of 7 years after case is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

**27-3-2 STATE DISTRICT COURT ACTIONS CASE FILES**

Case files involving inmate complaints regarding declaratory judgments, tort claims, APA, etc., which may include pleadings, correspondence, briefs, etc.

**Dispose of 8 years after case is closed or last action, whichever is sooner.**

**27-3-3 U.S. DISTRICT COURT CIVIL RIGHTS CASE FILES**

Case files including appeals to the U.S. District Court involving civil rights actions by inmates and may include briefs, correspondence, pleadings, etc.

**Dispose of 13 years after case is closed or last action, whichever is sooner, subject to review by Attorney General counsel before disposal.**

**27-3-4 WATER RESOURCES/BOUNDARY COMMISSION/NATURAL RESOURCE COMMISSION CASE FILES**

Case files which may include pleadings, briefs, correspondence, etc., dealing with the Department of Water Resources, Boundary Commission and the Natural Resources Commission.

**CASES INVOLVING WATER AND/OR BOUNDARY DISPUTES: Transfer to the State Archives when no longer of reference value; retain permanently.**

**ALL OTHER CASES: Dispose of 8 years after case is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

**27-4 CRIMINAL PROSECUTION SECTION**

**27-4-1 CHILD PROTECTION DIVISION FILES**

Files consisting of requests for consultation, investigation, trial preparation, etc., from county attorneys, local law enforcement, etc., into child abuse matters including but not limited to sexual and physical abuse, homicide, neglect, etc.

**Dispose of after 15 years.**

**27-4-2 DRUG AND VIOLENT CRIME UNIT**

Files consisting of requests for consultation, investigation, trial preparation, etc., from county attorneys, local law enforcement, etc., into drug and/or violence related crimes.

**Dispose of after 8 years.**

**27-5 GENERAL CRIMINAL ENFORCEMENT**

**27-5-1 ENVIRONMENTAL PROTECTION FILES**

Files consisting of requests for consultation, investigation, settlement negotiations, etc., from Department of Environmental Quality.

**Dispose of 7 years after case is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

**27-5-2 HEALTH AND HUMAN SERVICES SYSTEMS**

Case files including briefs, pleadings, etc., referred from the Regulation and Licensure Section for action.

**Dispose of 7 years after case is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**



### **27-5-3 MISCELLANEOUS CASE FILES**

Files consisting of unusual actions which require an appearance and may include briefs, correspondence, pleadings, etc.

**Dispose of 8 years after case is closed or last action, whichever is sooner, subject to review by the State Archivist for possible accession.**

### **27-5-4 STATE PATROL INVESTIGATION FILES**

Files consisting of constituent requests for State Patrol investigations.

**Dispose of after 4 years.**

## **27-6 GENERAL OFFICE RECORDS**

### **27-6-1 CHARITABLE FOUNDATION REPORTS**

Reports fulfilling a federal requirement that charitable foundations must report to the Attorney General's Office.

**Dispose of after 3 years.**

### **27-6-2 FAX REPORTS**

Copies of fax transmissions.

**Dispose of after 3 years.**

### **27-6-3 FORMAL OPINIONS**

Legal opinions prepared by the Attorney General. These opinions are stored electronically and printed on hard copy (original) and retained in the Attorney General's Office. Electronic data maintained on IMS mainframe.

**ORIGINAL RECORD: Transfer to State Archives when no longer of reference value; retain permanently.**

**ELECTRONIC DATA: Back up twice a week; dispose of when no longer of reference value. SECURITY COPY: Dispose of after 1 year.**

### **27-6-4 INFORMAL OPINIONS**

Legal opinions which are prepared by the Attorney General and not listed and numbered as Formal Opinions, Records Retention Schedule Item #27-6-3. These documents are assigned numbers as Informal Opinions and are stored electronically and printed on hard copy original. Electronic data maintained on IMS mainframe.

**ORIGINAL RECORDS: Transfer to State Archives when no longer of reference value; retain permanently.**

**ELECTRONIC DATA: Backed up twice a week; dispose of when no longer of reference value.**

**SECURITY COPY: Dispose of after 1 year.**

## **27-7 LEGAL SERVICES SECTION**

### **27-7-1 LITIGATION FILES**

Files including correspondence, briefs, pleadings, etc., in regard to various state agencies.

**Dispose of after 8 years, subject to review by the State Archivist for possible accession.**

## **27-7-2 PROJECT FILES**

Files including but not limited to correspondence in response to various state agencies.

**Dispose of after 5 years, subject to review by the State Archivist for possible accession.**

## **27-8 LITIGATION SECTION**

### **27-8-1 HEALTH AND HUMAN SERVICES SYSTEMS**

Case files including briefs, correspondence, pleading, etc., relating to the Finance and Support and Health and Human Services Sections.

**Dispose of 8 years after case is closed or last action, whichever is sooner.**

### **27-8-2 NEBRASKA JUDGES AND COURTS CASE FILES**

Case files including briefs, correspondence, pleadings, etc., involving actions against Nebraska judges and/or courts.

**Dispose of 8 years after case is closed or last action, whichever is sooner.**

### **27-8-3 STATE PERSONNEL CASE FILES**

Case files including briefs, correspondence, pleadings, etc., involving actions from employees of the State of Nebraska.

**Dispose of 8 years after case is closed or last action, whichever is sooner.**

### **27-8-4 TORT CLAIMS**

Non-actionable tort claims are copies of tort claims from the claims board on which the Attorney General takes no action. The State Claims Board keeps these for 25 years. Actionable tort claims have case files including briefs, correspondence, pleadings, etc. involving tort actions against the State of Nebraska.

**NON-ACTION: Dispose of after 2 years.**

**ACTION: Dispose of 8 years after case is closed or last action, whichever is sooner.**

### **27-8-5 WORKERS' COMPENSATION CASE FILES**

Case files involving personal injury and second injury fund cases with the Workers' Compensation Court.

**Dispose of 15 years after case is closed or last action, whichever is sooner.**

## RECORDS DISPOSITION REPORT

<b>TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8<sup>TH</sup> STREET SUITE 210 LINCOLN, NE 68508-2294</b>	AGENCY
	DIVISION
	SUB-DIVISION

### REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

### OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

--

DATE	SIGNATURE
------	-----------

**SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR  
YOUR RECORDS.**

RMA 03006D

## **VOLUME ESTIMATING GUIDE**

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)**

Vertical File Cabinet, 4 drawer letter-size .....	6 cubic feet
Vertical File Cabinet, 4 drawer legal-size .....	8 cubic feet
Lateral File, 4 drawer/shelf letter-size.....	9 cubic feet
Lateral File, 4 drawer/shelf legal size .....	12 cubic feet
Records center carton.....	1 cubic foot
About a pickup load.....	50 cubic feet